

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

LEWIS DEWANE BROWN,

Plaintiff,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:22-cv-00216-JLT-SAB

ORDER REQUIRING PLAINTIFF TO FILE  
STATUS REPORT ON SERVICE

(ECF Nos. 6, 7, 8)

FIVE DAY DEADLINE

Plaintiff Lewis Dewane Brown, individually and on behalf of all others similarly situated, filed this action on February 21, 2022. On May 10, 2022, the Court issued an order requiring Plaintiff to provide a status report as to the status of service in this action. (ECF No. 6.) On May 16, 2022, Plaintiff filed a status report that includes a request for an extension of time to completed service under Federal Rule of Civil Procedure 4(m). On May 17, 2022, the Court extended the time to complete service until 120 days after entry of the order, or September 14, 2022. (ECF No. 8.) Plaintiff has not returned service documents or presented the Court with a status report or motion to extend time.

Rule 4(m) provides that “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend

1 the time for service for an appropriate period.” Id.

2 Accordingly, IT IS HEREBY ORDERED that within five days of entry of this order,  
3 Plaintiff shall file a notice of the status of service on the Defendants in this action. Plaintiff is  
4 advised that failure to comply with this order may result in the issuance of sanctions, up to and  
5 including dismissal of this action.

6  
7 IT IS SO ORDERED.

8 Dated: September 20, 2022

  
UNITED STATES MAGISTRATE JUDGE